

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 RAYMOND MAX SNYDER,

4 Plaintiff

5 v.

6 KRISTON N. HILL, et al.,

7 Defendants  
8

Case No.: 3:24-cv-00267-MMD-CSD

**Order**

Re: ECF Nos. 47, 56, 57

9 Before the court is Plaintiff's motion requesting that the clerk enter default as to  
10 Defendants Judge Kriston N. Hill, Judge Robert E. Estes, the Fourth Judicial District Court and  
11 the Fourth Judicial District Court Clerk's Office. (ECF Nos. 47, 47-1 to 47-17.) Plaintiff has also  
12 filed motions to submit this request for decision. (ECF Nos. 56, 57.)

13 Plaintiff argues that his first amended complaint was served on each of these Defendants,  
14 but they have failed to appear or otherwise defend this action, and therefore, default should be  
15 entered against them by the Clerk.

16 "When a party against whom a judgment for affirmative relief is sought has failed to  
17 plead or otherwise defend, ... the clerk must enter the party's default." Fed. R. Civ. P. 55(a).

18 A party is only obligated to appear and defend if it has been properly served. *See Ewing*  
19 *v. Isaac*, 22-cv-1009 JLS (MDD), 2022 WL 17254757, at \*3 (S.D. Cal. Nov. 28, 2022) (citing  
20 cases).

21 Here, each of these Defendants was not properly served. Under Federal Rule of Civil  
22 Procedure 4(c)(2), a summons and complaint may be served by "[a]ny person who is at least 18  
23

1 years old and *is not a party*” to the action. Plaintiff signed each of the proofs of service for these  
2 Defendants himself.

3 Plaintiff sues Judge Kriston Hill, Judge Robert Estates, and the Fourth Judicial District  
4 Court Clerks in their individual and official capacities, and the Fourth Judicial District Court in  
5 its official capacity.

6 Plaintiff’s proofs of service indicate that the summons and complaint were sent by U.S.  
7 Post Office priority mail (with certified mail to Judge Kriston N. Hill). (ECF Nos. 10, 10-1 to 10-  
8 4.)

9 Under Federal Rule of Civil Procedure 4, an individual may be served by following state  
10 law for service on an individual or by any of these mechanisms: (a) delivering the summons and  
11 complaint to the individual *personally*; (b) leaving a copy at the individual’s dwelling or usual  
12 place of abode with someone of suitable age and discretion; or (c) delivering to an agent  
13 authorized by appointment of law to receive service of process. Fed. R. Civ. P. 4(e).

14 To serve a state or local government, the summons and complaint must be served by  
15 delivery to the chief executive officer and serving a copy in the manner prescribed by state law.  
16 Fed. R. Civ. P. 4(j)(2).

17 Under Nevada law, an individual may be served by the same means provided under  
18 Federal Rule of Civil Procedure 4(e). Nev. R. Civ. P. 4.2(a). To serve the state, its entities or  
19 political subdivisions, a copy of the summons and complaint must be delivered to the Attorney  
20 General or his/her designee, and on the person serving in the office of administrative head of the  
21 named public entity or designated agent. When a state officer or employee is sued in his or her  
22 individual or official capacity for an act or omission related to his or her public duties, the officer  
23 or employee must be served by delivering a copy to the Attorney General or designee and the

1 current or former public officer or agent designated to receive service of process. Nev. R. Civ. P.  
2 4.2(d).

3 Plaintiff's service of the summons and complaint by mail does not comport with these  
4 rules. Therefore, Plaintiff is not entitled to the Clerk's entry of default under Federal Rule of  
5 Civil Procedure 55(a).

6 Plaintiff is also advised that a request for submission is a requirement in State court, and  
7 not federal court. A motion that is filed need not be accompanied by a request for submission.  
8 The court will act on motions in due course after they are fully briefed.

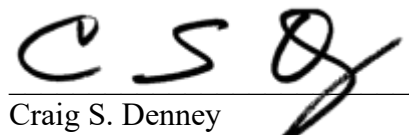
9 **CONCLUSION**

10 Plaintiff's motion requesting the Clerk's entry of default as to Judge Kriston N. Hill,  
11 Judge Robert E. Estes, the Fourth Judicial District Court, and the Fourth Judicial District Court  
12 Clerk's Office. (ECF No. 47) is **DENIED**.

13 Plaintiff's motions requesting submission of the motion for Clerk's entry of default (ECF  
14 Nos. 56, 57) are likewise **DENIED**.

15 **IT IS SO ORDERED.**

16 Dated: November 15, 2024

17   
18 Craig S. Denney  
19 United States Magistrate Judge  
20  
21  
22  
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